IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 10TH JULY 2007 / 19TH ASHADHA 1929

Crl.Rev.Pet.No. 173 of 2000()

MC.70/1998 of JUDICIAL MAGISTRATE OF 1ST CLASS, PATTAMBI.
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REVN. PETITIONER: COUNTER PETITIONER

UNNI, S/O.CHEMBAN,
KORAVAN PARAMBIL
CHIRAMANGAD VILLAGE DESOM,
THALAPPILLY TALUK.

BY ADV. SRI.P.V.CHANDRA MOHAN

RESPONDENTS: PETITIONERS
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1. USHA, D/O. BADAMBI VETTATHIL,
PERINGODE DESOM, KOTHACHIRA AMSOM,
OTTAPALAM TALUK.

2. HARSHA (MINOR) REP.BY THE
MOTHER AND GUARDIAN, THE 1ST RESPONDENT.

BY ADV. SMT.PREETHY KARUNAKARAN
SRI.R.RAJESH KORMATH
SRI.ANISH S.AMBADY
PUBLIC PROSECUTOR SRI.C.K.SURESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 10/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

CRL.RP. NO.173/2000

ORDER ON CRL.MP. NO.996/2000 IN CRL.RP. NO.173/2000

DISMISSED

10.07.2007 **SD/- K.R.UDAYABHANU, JUDGE**

/TRUE COPY/

P.S. TO JUDGE

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K.R. UDAYABHANU, J.

CRL.R.P.NO. 173 OF 2000

DATED THIS THE 10th July 2007

ORDER

The revision petitioner is the respondent in M.C.No.70/1998, the proceedings instituted by his wife seeking maintenance for herself and the minor child. It is the case that the respondent married her on 26-8-1993 and the 2nd petitioner was born out of the wedlock and that the respondent/husband is working as a care-taker in a house at Cherumanangad and that he used to get drunk and manhandle the petitioner. He wanted her to undergo abortion but she refused and that again paved the way for further disturbances in her family life. She was then brutally manhandled. After she was taken to the parental home for delivery he has not looked after her nor has he came to see the child. It is also alleged that he has illicit relationship with another lady.

2. The revision petitioner had denied the entire allegations. According to him, the respondent/wife is living separately without any reasons. The evidence adduced in the matter consisted of the testimony of PW1 and CPW1. The respondent had claimed maintenance at the rate of Rs.500/- each for herself and the child. The trial court awarded maintenance at the rate of Rs.400/- each .

3. On a consideration of the evidence adduced in the matter, the court below has observed that the revision petitioner has not made any attempt for reunion or that he had spent anything for the child. It is admitted that the lady of the house in which he was working as a caretaker had gifted him 70 cents of property. The contention of the counsel for the revision petitioner that he was having illicit relationship with a lady is absolutely false and there is no evidence in this regard, it was found.

I find that the decision of the court below is based on the fact that there is no evidence to show that the revision petitioner has so far not made any attempt for reunion or maintained the wife and child so long. In the circumstances, I find no reason to interfere in the findings of the court below. The Crl.revision petition is dismissed.

K.R.UDAYABHANU, JUDGE

ks.

K.R.UDAYABHANU, J

CRL.R.P.NO. 173 OF 2000
ORDER

10-7-2007